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REMARKS

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This is a REQUEST FOR CONTINUED EXAMINATION and response to the Office Action
4 mailed December 8, 2009, containing a FINAL REJECTION of the pending claims and the
5 subsequent mailing of ADVISORY ACTION mailed Feb. 5, 2010. A previously filed Information
6 Disclosure Statement was revised and refilled listing additional patents identified in the
7 original specification. A complete set of the pending claims in this application showing the
8 status of each claim is included. Claims 1-38, 40 and 41 are cancelled and claims 60-74 are
9 shown as withdrawn in view of the following remarks. Reconsideration of the final rejection
10 of METHOD claims 39 and 42-59 and the status of claims 60-74 is respectfully requested.

11

REGARDING THE INFORMATION DISCLOSURE STATEMENT

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A substitute Information Disclosure Statement was submitted to identify references
13 that have been cited in a corresponding patent application pending in the European
14 Patent Office and to add to the statement those Benesi patents that are listed and
15 incorporated into the original specification. Previous comments have been supplied
16 regarding each reference cited in a corresponding foreign application and as to their
17 relationship to the presently claimed invention. The previous correspondence regarding
18 those foreign references was presented to bring them to the attention of the US Examiner.
19 The alternative statements in the CERTIFICATION STATEMENT cannot be made because of
20 the "not more than three months" or the "no item — was known to any individual
21 designated — more than three months prior to the filing of the —statement". The [X]
22 marking in the previously filed IDS was in inadvertent mistake. The statement in the REMARKS
23 is accurate in that the foreign references were cited in the corresponding EPO filing of the
24 present application. The marking on the ISD was not intended to mislead the Examiner but
25 was an effort to comply with the need for filing an ISD. The foreign references were called
26 to the Examiner's attention early in the prosecution of this application.

1 The Benesi patents listed in the IDS are identified in the specification as to their
2 relationship to the present invention and were listed there to advise the Patent Office and
3 any reader of the present application that there were other patents showing some of the
4 previous developments in the filtration arts by the present inventors and to incorporate their
5 disclosures by reference. Entry of the new substitute IDS is requested.

6 CLAIM REJECTIONS – 35 USC § 102/103

7 The previously submitted response after FINAL included amendments to some of the
8 claims; that response was not entered by the Examiner according to the Advisory Action
9 mailed Feb 5, 2010 stating the "The proposed amendments to claims 39,42-44,51,55 and 57
10 raise new issues requiring further consideration and possibly more searching." Claims 39
11 and 42-59, the METHOD CLAIMS, and Claims 60-74, the APPARATUS CLAIMS, are rejected
12 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as
13 obvious over Benesi '677 and under 35 U.S.C. 102(b) as anticipated by or, in the alternative,
14 under 35 U.S.C. 103(a) as obvious over Benesi '359; reconsideration of those rejections is
15 requested in this REQUEST FOR CONTINUED EXAMINATION in view of the following remarks.

16 Previous amendments to the claims of this application have been presented to
17 provide clear distinction in the preambles for the apparatus over references that were then
18 applied by the Examiner as disclosing the claimed invention; the amendments were
19 intended to clearly show the distinction of the present invention employing the apparatus of
20 the pressure filter of the type being claimed. The amendments are to identify the type of
21 pressure filter apparatus previously disclosed in Benesi patents. Aside from the Benesi patents
22 cited by the Examiner, none of the other patents cited by the Examiner show an apparatus
23 like the Benesi patents and none disclose the METHOD claimed in claims 39 and dependent
24 claims 42-59 in whatever form of apparatus they disclose. The pressure filter apparatus of
25 the Benesi patents is capable of being operated in accord with the present METHOD claims;
26 however, none of the prior Benesi patents suggest or disclose the method now being

1 claimed. It is the discovery by the present inventors that the pressure filter apparatus of the
2 Benesi form can be operated in the recited METHOD steps to accomplish an advance in the
3 filtration of slurries to produce a dryer filter cake without damage to the material in the cake.
4 Prior to the time of filing of the present application, it was unknown that properly controlling
5 the pressure and temperature in the pressurized filtration chamber could accomplish the
6 advance in dryness in a produced filter cake by using properly pressurized and temperature
7 controlled DRY HOT GASES to further extract residual liquids remaining in an initially formed
8 filter cake without damage to the solids within the treated cake.

9 While the prior Benesi patents illustrate structure that can be adapted to perform the
10 presently claimed METHOD there is no disclosure in those patents of controlling the
11 temperature and pressure within the filtration chamber to permit the use of HOT DRY GASSES
12 that are supplied at temperature and pressure in conformance with the controlled
13 temperature and pressure within the filtration chamber to maintain the HOT DRY GASES in
14 their DRY state while heating and forcing residual fluids out of an initially formed filter cake to
15 create a DRYER filter cake without damage to the solids remaining behind in the chamber.

16 A significant and some what unexpected advance in the drying of solids separated from the
17 slurry has been accomplished with the present METHOD and, particularly in the case of some
18 solids that could be damaged if subjected to WET HOT GAS extraction. The DRY HOT GASSES
19 can avoid such damage by remaining DRY during the continuation of the filtration process.

20 It is submitted that there is no anticipation of the present methods in the earlier Benesi
21 patents and there is no grounds for asserting that the presently claimed methods would be
22 obvious from those earlier Benesi patents.

23 The present specification includes the disclosure of the method steps being claimed;
24 see pages 8-18. In particular, pages 14 and 15 where the use of pressure control and hot
25 gasses is described. Note particularly page 14, lines 33 and on to page 15 where steam
26 passing through the filter cake can remain DRY while transferring useful heat to the filter

1 cake. Page 14 and 15 refer to the vapor phase diagram illustrating the transition of vapor to
2 dry steam is plotted in respect to temperature and pressure.

3 The use of hot gas as a slurry treatment is described as showing an improved
4 efficiency in the separation processes described. At page 17 there is a description of the
5 difference between wet steam and dry steam as that relates to the operation of a pressure
6 filter apparatus. Because the filter of the present invention can be controlled in pressure and
7 temperature it is possible to keep the HOT DRY GAS and steam in the desired "dry" quality
8 while performing the further removal of liquids from a filter cake.

9 The proposed amendments to the claims are fully supported in the specification and
10 are added to provide a clear indication of the distinction between prior Benesi patents and
11 the other art cited by the Examiner. The amendments proposed to claim 39 are intended to
12 provide a clear distinction between mere hot fluid extractions and the DRY HOT GAS FLUID of
13 the present invention. The amendments proposed for subparagraphs b) and c) of claim 39
14 are intended to show clear distinction for the use of a pressurized and temperature
15 controlled filtration chamber to permit the use of DRY HOT GAS FLUID that can be
16 maintained in its DRY STATE while performing the completion of a filtration process as
17 claimed. All of the proposed amendments are supported on pages 10 through 15 of the
18 specification and no new matter has been added by the amendments to the claim.

19 It is emphasized that while the apparatus shown in the Benesi patents '667 and '359
20 could be modified to perform the presently claimed invention, there is no suggestion in those
21 patents that the present METHOD of controlling the temperature and pressure within a
22 filtration chamber so that DRY HOT GAS FLUIDS could be used in a filtration process while
23 maintaining the DRY HOT GAS FLUID in its DRY state while heating and forcing residual fluids
24 out of an initially formed filter cake. It is the order of the METHOD steps that is the advance
25 claimed in the present invention.

26 It is therefore submitted that the rejection of the method claims under 35 U.S.C.

1 103(a) as obvious over Benesi '667 or '359 is not well founded. Removal of that rejection is
2 respectfully requested. There is no suggestion in either of the Benesi patents that either
3 should be modified in operation to perform the presently claimed invention.

4 With respect to the rejection of the claims under 35 U.S.C. 102(b) under Benesi '677
5 and '359, it is respectfully submitted that rejection of the claims as anticipated by the Benesi
6 patents is not well founded. To begin with, the MPEP clearly states at page 700-23 in
7 paragraph V in "Distinction between 35 U. S.C. 102 and 103" – mid paragraph- "for
8 anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed
9 invention either explicitly or impliedly. Any feature not directly taught must be inherently
10 present." It is respectfully submitted that the rejection of the present claims as anticipated
11 by either or both of the Benesi patents is not well founded because those Benesi patents do
12 not suggest that a pressure filter chamber should be maintained at a predetermined
13 pressure and temperature so that DRY HOT GAS FLUID maintained at a predetermined
14 pressure and temperature can be used to further force fluids from an initially formed filter
15 cake by maintaining the DRY HOT GAS FLUID in its DRY state during the further filtering. The
16 use and maintenance of the DRY HOT GAS FLUID "DRY" is neither explicitly or impliedly or
17 inherently suggest in any additional continuing filtration step in any of the prior Benesi
18 patents. Reconsideration of this rejection of the amended claims under 35 U.S.C. 102(b) is
19 respectfully requested.

20 The Examiner has called attention to the two patents of Koch and the patent of Bott.
21 None of those patents are directed to a pressure filter apparatus as defined in the present
22 invention. Further, while those patents disclose the use and benefits of superheated steam in
23 the filtration processes they describe, none of them suggest or disclose the need and or
24 ability to maintain such steam in a DRY state during their processes and, in fact, the patents
25 describe the condensation of the steam (changing from dry to wet) in the description of their
26 inventions. It is the ability of the present apparatus and the method as claimed to keep the

1 DRY HOT GAS FLUID in its dry state so as to perform the improved filtration process and to
2 produce the resulting substantially dry slurry solids filter cake that is being claimed.

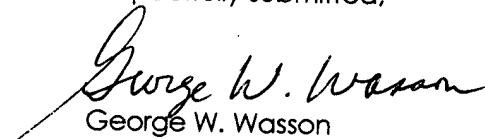
3 STATUS OF CLAIMS 60-74

4 Claims 60-74 (the APPARATUS claims) have been designated as WITHDRAWN with this
5 RESPONSE and the METHOD claims 39, 40-59 are submitted for reconsideration. On an
6 indication that the METHOD claims are allowable, the APPARATUS claims will be cancelled,
7 without prejudice, so as to be available for a continued filing as a division if that becomes
8 desirable. At this time, the Examiner is not expected to further examine the apparatus
9 claims. If the designation as WITHDRAWN is not appropriate, the Examiner is requested to so
10 advise the applicant's representative to provide a proper designation of the claims.

11 If a discussion of the amendments to the method claims and the content of these
12 remarks could be helpful in the continued prosecution of this application, the Examiner is
13 invited to contact the applicant's representative at the telephone, fax or email shown
14 below.

15 Removal of the FINAL REJECTION and allowance of the method claims 39, 42 - 59 is
16 respectfully requested.

17 Respectfully submitted,

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